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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,505	01/12/2004	Reiner Dorner	DORNER3	8295
1444 7.	590 01/27/2006		EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			ADAMS, GREGORY W	
624 NINTH STREET, NW SUITE 300			ART UNIT	PAPER NUMBER
	N, DC 20001-5303		3652	
			DATE MAIL ED: 01/27/2006	6

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)					
Office Action Summary		10/754,505	DORNER, REINER					
		Examiner	Art Unit					
		Gregory W. Adams	3652					
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) 又	Responsive to communication(s) filed or	n 15 November 2005.						
•	This action is FINAL . 2b) This action is non-final.							
'=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
,	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
4)⊠ Claim(s) <u>1-14</u> is/are pending in the application.								
	4a) Of the above claim(s) 2 and 11 is/are withdrawn from consideration.							
5)	5) Claim(s) is/are allowed.							
6)⊠	Si⊠ Claim(s) <u>1,3-10 and 12-14</u> is/are rejected.							
7)	Claim(s) is/are objected to.							
8)□	Claim(s) are subject to restriction	and/or election requirement	nt.					
Applicati	on Papers							
9) The specification is objected to by the Examiner.								
10)⊠ The drawing(s) filed on <u>15 November 2005</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12)	Acknowledgment is made of a claim for t	oreian priority under 35 U.S	S.C. § 119(a)-(d) or (f).					
,—	☐ All b)☐ Some * c)☐ None of:	orong in price in y arrable of or						
۵,۱		uments have been receive	1					
	 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 							
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
dee the attached detailed office action for a list of the contined copies not received.								
A44	W-1							
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date.								
3) Inform	nation Disclosure Statement(s) (PTO-1449 or PTO	/SB/08) 5) ☐ Not	ce of Informal Patent Application (PTO-152	2)				
Paper No(s)/Mail Date 6) Other:								

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DETAILED ACTION

General Comments

This application has been transferred to Examiner Gregory W. Adams.

Claim Rejections - 35 USC § 112

Claims 5, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 & 9 include the phrase "and/or" in line 2 which is unclear. It can be – and-- or –or--, but not both.

The phrase "conveying means of the longitudinal conveying means are opposite to each other" in claim 7 is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-10 & 12-14are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt (US 5,096,179).

Schmitt discloses a singling device comprising two tendering positions 6,
 7, longitudinal conveying means 12, lifting means 9, 10 (C1/L23-26),
 conveyor belt 12, sensor (C3/L66);

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 multiple positions including a first tendering position 6, 7 and a reject deposition position;

- second longitudinal position 6;
- lifting means 9 (C1/L23-26) and pull-apart means 10;
- conveyor belt 12;
- detection means (C3/L66);
- transport carriage 8; and
- second longitudinal conveying means.

Response to Arguments

Applicant's arguments filed November 15, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Schmitt does not disclose a bridging conveyor, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. For example, Applicant argues that a "...conveying means is moved away from the working site to clear the second tendering position..." does not further limit the claim, describing the use thereof. Schmitt discloses two tendering positions and a conveying means that bridges such that when retrieving from one position the other is open and waiting to be accessed "the advantage of this design is that it is possible for full piles of sheets to be moved into the sheet feeder by means of the appropriate conveying equipment without it being

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necessary for piles of sheets to be deposited manually by the operator." (C2/L17-22) Thus, Schmitt's apparatus will access two tendering position, one of which is always open and will move to bridge between two positions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

EILEEN D. LILLIS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600